SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
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Sikkim Medical Council, Gangtok, Sikkim.

No. SMC/01/2007 **Dated: - 10. 9. 2007**

NOTIFICATION

In exercise of the powers conferred by section 32 of the Sikkim Medical Registration Act 2005 (8 of 2005), the Sikkim Medical Council with the previous approval of the State Government hereby makes the following regulations to carry out the provisions of the Act, namely:-

CHAPTER I
PRELIMINARY

Short title and Commencement

1. (1) These Regulations may be called the Sikkim Medical Council Regulations 2007.
(2) They shall come into force at once.

Definitions

2. In these regulations, unless the context otherwise requires:-
(a) "Act" means the Sikkim Medical Registration Act, 2005;
(b) "Council" means the Sikkim Medical Council constituted under section 3 of the Act;
(c) "employee" means an employee of the Council, other than an officer of the Council;
(d) "Officers of the Council" means Registrar/Secretary/Treasurer or any other officers appointed as such by the Council;
(e) "Registrar" means the Registrar of the Council who shall be the ex-officio Secretary and who may also, act as Treasurer;
(f) "Rules" means the Sikkim Medical Registration Rules 2007;
(g) "section" means a section of the Act;
(h) "visitor" means a visitor appointed under regulation 38.

Office of the Council

3. The Office of the Council shall be situated in Gangtok.

Time and place of meetings of the Council

4. (1) The meetings of the Council shall ordinarily be held in Gangtok on such dates as may be fixed by the Council:
Provided that the President may call a special meeting at any time after giving seven days' notice:-
a) to deal with any urgent matter requiring the attention of the Council ;
b) for a purpose referred to in the proviso to clause (b) of sub- regulation (1) of regulation 8;

c) on a requisition signed by not less than two thirds of the members, for a purpose which is within the scope of the Council's functions, not being a purpose referred to in clause (b).

(2) The first meeting of the council, not being a special meeting, held in any financial year shall be the annual meeting of the Council for that year.

Agenda for Special meeting

5. At a special meeting (referred to in the proviso to sub-regulation (1) of regulation 4), the subject or subjects for the consideration of which the meeting has been called shall only be discussed.

Notice of Meetings

6. Notice of every meeting other than a special meeting (called under the proviso to sub-regulation (1) of regulation 4 or under the first proviso to clause (b) of sub-regulation (1) of regulation 8, shall be dispatched by the Secretary to each member of the Council not less than 10 days before the date of the meeting.

Agenda Paper

7. (1) The Secretary shall issue with the notice of the meeting a preliminary agenda paper showing the business to be brought before the meeting, terms of all motions to be moved of which notice in writing has previously reached him and the names of the movers.

(2) A member who wishes to move any motion not included in the preliminary agenda paper shall give notice to the Secretary not less than 15 clear days before the date fixed for the meeting.

(3) The Secretary shall, not less than 10 clear days before the date fixed for the meeting, or in the case of a special meeting, with the notice of the meeting, issue a complete agenda paper showing the business to brought before the meeting.

Admissibility of motion

8. (1) The President shall disallow any motion,-

(a) if the matter to which it relates, is not within the scope of the Council's functions;

(b) if it raises substantially the same question as a motion which has been moved or withdrawn with the leave of the Council at any time during the six months immediately preceding the date of the meeting at which it is designed to be moved:
Provided that such a motion may be admitted at a special meeting of the Council convened for the purpose on the requisition of not less than two-thirds of the members of the Council;
Provided further that nothing in these regulations shall operate to prohibit discussion of any matter referred to the Council by the State Government in the exercise of any of its functions under the Act;

(c) unless it is clearly and precisely expressed and raises substantially one definite issue;

(d) if it contains arguments, inferences, ironical expressions, imputations or defamatory statements.

(2) When the President disallows a motion, the Secretary shall inform the concerned member stating the reasons for rejection thereof.

CHAPTER -II

CONDUCT OF BUSINESS AT MEETINGS OF THE COUNCIL

Presiding Officer

9. (1) Every meeting of the Council shall be presided over by the President, or if he is absent, by the Vice-President, or if both the President and the Vice-President are absent, by a Chairman to be elected by the members present from among themselves.

(2) All references in this part to the President shall be read as referring to the person for the time being presiding over a meeting.

Quorum

10. The quorum for a meeting of the Council shall not be less than 6 members of the Council on the date of such meeting.

Adjournment for want of quorum:-

11. If, at any time appointed for a meeting a quorum is not present, the meeting shall be adjourned to such future date and time as the President of the Council may appoint.

Conduct of business

12. (1) Every matter raised by a member shall be determined on a motion moved by the member duly seconded and put to the Council President.

(2) When a motion has been moved and seconded and put to the Council by the President, it may be discussed as a question to be resolved either in the affirmative or in the negative.

(3) Any motion standing in the name of a member who is absent from the meeting may be brought forward by another member with the permission of the President.

Identical motions

13. When motions identical in purport stand in the name of two or more members, the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.

Debate

14. (1) When a motion is under debate, no proposal with reference thereto the motion:-

(a) a motion for the adjournment of the debate on the motion either to a specified date and hour or sine die;

(b) a motion that the Council instead of proceeding to deal with the motion do pass to the next item on the programme of business; shall be moved or seconded by a member who has already spoken on the motion.

(2) Upon accepting the closure of the motion, the President shall put the substantive motion to vote after allowing the mover the right to reply.

Withdrawal of motion

15. A motion which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be deemed to be granted, if any member dissents from granting of leave.

Discussions by members

16. When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the president may direct:
Provided that the seconder of a motion may, with the permission of the President, confine himself to seconding the motion and speak thereon at any subsequent stage of the debate.

Right of reply of the mover

17. The mover of a motion if permitted by the President shall be entitled to a final reply and no other member shall speak more than once to any debate except with the permission of the President, for the purpose of making a personal explanation or of putting a question to the member:
Provided that a member, at any stage of the debate may raise a point of order substantially incorporating therein a point of law, or statutory procedure, but shall not be allowed to make any speech.

Voting on Motion

18. When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion and put each or any point separately to vote as he may think fit.

Adjournment of a meeting

19. (1) The President may if he deems necessary at any time, adjourn any meeting to any future date or to any hour of the same day stating the reasons thereof.

(2) Whenever a meeting is adjourned to a future date, the Secretary shall send a notice of the adjourned meeting to all the members.

(3) When a meeting has been adjourned to a future date and the President changes it to any other date for compelling reasons, the Secretary shall communicate the said change to each member.

(4) At a meeting adjourned to a future date any motion standing over from the previous date shall, unless the President otherwise directs, take precedence over other matters on the agenda.

(5) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the President or a member may suggest a change in the order of business on the agenda and if the Council agrees, such a change shall take place.

(6) The same quorum shall be necessary for an adjourned meeting as for the ordinary meeting.

Points of order

20. (1) The President shall decide all points of order or disputes which may arise in any meeting.

(2) If any question arises with reference to the procedure in respect of a matter for which these regulations have no provision, the President shall decide the same.

Authorised Persons to attend meetings

21. In the meetings of the Council, no person other than the members, officers and employees of the Council shall be present except with the prior permission or special invitation of the President.

Proceedings to be preserved

22. The proceedings of the meetings of the Council shall be preserved and shall be authenticated, after confirmation at the next meeting of the Council, by the Secretary and the President.

Circulation of minutes

23. A copy of the minutes of each meeting shall be submitted by the Secretary to the President within seven days of the meeting and attested by him and they shall then be sent to each member within fifteen days of the meeting.

Contents of Minutes

24. The minutes of each meeting shall contain such motions as have been moved and adopted or negatived.

Supply of Minutes

25. A copy of the minutes of the meetings of the Council shall be made available by the Secretary to each member of the Council.

CHAPTER- III

RESIGNATION AND FILLING OF CASUAL VACANCIES

Resignation

26. A member desiring to resign his seat on the Council shall send his resignation in writing to the President and his resignation shall take effect from the date specified by him and in case no such date is mentioned, from the date of receipt of his letter.

Filling of casual vacancy

27. When a casual vacancy occurs by reason of death or resignation of a member, a report shall be made forthwith by the President to the Government of Sikkim who shall take steps to have the vacancy filled for the remaining period by nomination or election, as the case may be, by the authority or constituency by which the member whose death or resignation has caused the vacancy.

CHAPTER-IV

POWER AND DUTIES OF THE PRESIDENT AND VICE-PRESIDENT

Power and Duties of the President

28. The President shall, subject to the provisions of the Act, rules, regulations and Standing Orders of the Council do such acts as he considers necessary for the furtherance of the objectives for which the council is established.

Powers and duties of the Vice-President

29. If the office of the President is vacant or if the President for any reason is unable to exercise the power or perform the duties of his office, the Vice-President shall act in his place and shall exercise the powers and perform the duties of the President.

CHAPTER- V

COMMITTEES

Committees

30. (1) The Council may constitute Committees to examine and deal with any matter as considered necessary by the Council.

(2) A member may, at any time, within notice, move that a Committee of the Council be appointed or that the Council do resolve itself into a Committee.

(3) On the adoption of the motion referred to in sub-regulation (2), the Council shall appoint a Committee consisting of any number of its members or resolve itself into a Committee for the consideration of any business.

(4) A motion for the appointment of a Committee shall define the functions of the Committee and the number of members to be appointed.

(5) If a motion for the appointment of a Committee is adopted, the mover shall name the members to be appointed as members of the Committee and any member may then move amendments proposing the addition of other names.

(6) If the number of members proposed as members of the Committee, does not exceed the total number of members to form the Committee, the members so proposed shall be appointed as members of the Committee. If the number of members so proposed exceed the total number of members to form the Committee, ballot shall be held and the requisite number of members who obtain the largest number of votes shall be appointed.

Quorum

31. The quorum for a Committee shall be in the same proportion as provided for meetings of the Council.

Chairman, etc., of the Committees

32. (1) (a) The Chairman of a Committee of the whole Council shall be the same as for a meeting of the Council.

(b) The Chairman of a Committee shall be appointed by the Council at the time of the appointment of the Committee.

(2) The proceedings of the Committee shall be conducted in accordance with the regulations applicable to the meetings of the Council.

Resolution by Committees

33. (1) A resolution passed by a Committee of the whole Council shall be embodied in a report prepared by the Secretary and signed by the President and shall have immediate effect.

(2) A resolution passed by a Committee appointed by the Council /President, as the case may be, shall be embodied in the report prepared by the Secretary of the Committee and signed by the Chairman and other members of the Committee, inclusive of notes of dissent, if any, and shall then be presented to the Council/ President, as the case may be and shall have no effect unless confirmed by the Council at a meeting.

CHAPTER- VI

REGISTRAR AND EMPLOYEES OF THE COUNCIL.

Registrar

34. (1) The Registrar shall be appointed by the Council in accordance with subsection (1) of Section 11 of the Sikkim Registration Act 2005, with the previous approval of the State Government. The appointment shall be either regular, temporary or on deputation from the State Government.

(2) The Registrar shall exercise such powers and discharge such duties as laid down in the relevant provisions of the Sikkim Medical Registration Act 2005 and Sikkim Medical Registration Rules 2007.

(3) The Registrar shall be responsible for the safety of the property of the Council and the control and management of the Office, Accounts and Correspondence and shall discharge all such duties as may be required of him/her by the Council.

(4) Eligibility for appointment:-

(a) Minimum qualification:- Medical Graduate registered under the Act.

(b) Age:-

(i) For regular appointment the minimum age shall be the same as that for recruitment of Officers in the State Government and the maximum age shall not be more than forty five years. The retirement age shall be the same as that for State Government Officers.

(ii) For temporary appointment the minimum age shall be the same as that for regular appointment and the maximum age shall not be more than sixty three years.

(5) Tenure: -

(a) For regular appointment the tenure shall be the same as that for Officers in that State Government. The incumbent shall be eligible for temporary appointment after superannuation till he attains the age of sixty three years.

(b) For temporary appointment the tenure shall be for a period of two to five years or till the incumbent attains the age of sixty five years, whichever is earlier.

(c) The tenure of the incumbent on deputation from the State Government shall be as decided by the Government.

(6) Pay & allowances:-

(a) For regular appointment the pay, allowances and increments shall be the same as that for the post of Under Secretary in the State Government. Contribution to GPF and Group Insurance shall not be admissible.

(b) For temporary appointment the incumbent shall be paid a consolidated salary calculated in accordance with the rules followed by the State Government, for temporary appointment in the post of Under Secretary.

(c) The incumbent on deputation from the Government shall carry the same pay and allowances as being drawn from the Government.

(7) Upgradation of Pay scale (In lieu of promotions): -

(a) The incumbent on regular appointment shall be eligible for upgradation of pay scale to the next higher grade in the same manner as those prescribed for equivalent posts in the Govt. of Sikkim. The upgradation shall be subject to assessment of performance of the incumbent by the Council.

(b) The incumbent on temporary appointment shall not be eligible for upgradation of pay Scale.

(8) Leave: -

(a) The incumbent on regular appointment shall be eligible for casual leave and earned leave in accordance with the rules followed by the State Government. No half pay leave shall be admissible.

(b) The incumbent on temporary appointment shall be eligible for casual leave only.

(9) Retirement benefits:-

(a) The incumbent on regular appointment shall be eligible for payment of gratuity on superannuation, in accordance with the rules prescribed for State Government officers. Encashment of leave and post retirement pension shall not be admissible.

(b) The incumbent on temporary appointment shall not be eligible for retirement benefits

Registration cum Accounts Assistant

35. (1) The Registrar shall appoint the Registration cum Accounts Assistant with the prior approval of the Council, which may be either regular or temporary.

(2) The Assistant shall discharge all such duties as may be required of him by the Council.

(3) Eligibility for appointment:
(a) Qualification:-
(i) Graduate in Commerce, (ii) Diploma/ Certificate in Computer Applications, (iii) Experience/ proficiency in Book keeping/Accounting and Administrative procedures.
(b) Age: - The minimum and maximum age limits for appointment shall be the same as for employees of the State Government.

(4) Tenure: -
(i) For regular appointment the tenure shall be the same as that prescribed for State Government employees.
(ii) For temporary appointment the tenure shall be two to five years.

(5) Pay and allowances:-
a) For regular appointment the pay, allowances and increments shall be the same as for Junior Accountant in the State Government.
(b) For temporary appointment the incumbent shall be paid a consolidated Salary calculated in accordance with the rules followed by the State Government for temporary /Adhoc appointment in the post of Junior Accountant. Contribution to GPF and Group insurance shall not be admissible.

(6) Upgradation of Pay scale (In lieu of promotions): -
(a) The incumbent on regular appointment shall be eligible for upgradation of pay scale to the next higher grade in the same manner as those prescribed for equivalent posts in the Govt. of Sikkim. The upgradation shall be subject to assessment of performance of the incumbent by the Council.
(b) The incumbent on temporary appointment shall not be eligible for upgradation of pay Scale.

(7) Leave:-
The incumbent shall be eligible the same kind of leave as admissible to the Registrar.

(8) Retirement benefits:-
The incumbent shall be entitled to retirement benefit same as admissible to the Registrar.

Office Assistant **36.** (1) The Registrar shall appoint Office Assistant with the prior approval of the Council, which may either be regular or temporary.

(2) The Assistant shall discharge all such duties as may be required of him by the Council.

(3) Eligibility for appointment :-
(a) Qualification – Class X pass.
(b) Age:- The minimum and maximum age limits for appointment shall be the same as for employees of the State Government.

(4) Tenure: -
The tenure shall be the same as that for Registration cum Accounts Assistant.

(5) Pay and Allowances: -
a) For regular appointment the pay, allowances and increments shall be the same as that for Lower Divisional clerk/Assistant in the State Government.
(b) For temporary appointment the incumbent shall be paid a Consolidated Salary calculated in accordance with the Rules followed by the State Government for temporary /Adhoc appointment in the post of Lower Divisional Clerks/ Assistants. Contribution to GPF and Group insurance shall not be admissible.

(6) Upgradation of Pay scale (In lieu of promotions): -
(a) The incumbent on regular appointment shall be eligible for upgradation of pay scale to the next higher grade in the same manner as those prescribed for equivalent posts in the Govt. of Sikkim. The upgradation shall be subject to assessment of performance of the incumbent by the Council.
(b) The incumbent on temporary appointment shall not be eligible for upgradation of pay scale.

(7) Leave: -
The Office Assistant shall be eligible the same kind of leave admissible to the Registrar.

(8) Retirement benefits: -
The retirement benefits will be the same as those for the Registrar.

Disciplinary Authority

37. (1) The disciplinary authority for the Registrar and Officers shall be the Council.
(2) The disciplinary authority for the employees of the Council shall be the Registrar. The appellate authority for employees of the Council shall be the Council.

CHAPTER- VII

VISITORS APPOINTED BY THE COUNCIL

Appointment of visitors

38. (1) The Council may appoint visitors from amongst its members for the purpose of visiting any Medical Establishments in the State as felt necessary by the Council.
(2) The appointment shall be ordered by the President with the approval of the Council and shall be for a specified period as determined by the Council.
(3) The visitor shall be authorized to visit the Institutions/ Establishments and carry out checks in relation to the attendance and on the field clinical training of the interns and also to verify Registration Certificates in relation to Medical Practitioners. He shall prepare monthly reports on the visits and submit the same to the President.

CHAPTER- VIII

SIKKIM MEDICAL REGISTER

Sikkim Medical Register

39. (1) The Registrar shall maintain the Sikkim Medical Register in accordance with he Sikkim Medical Registration Act, 2005 and the Rules made there under
(2) Registration:-
The Registrar shall, on receipt of the application, enter the name of a Medical Practitioner in the Register, after verification from the documents submitted alongwith, that the person qualifies for registration, by virtue of possessing a Medical qualification included in the first/second/third schedules of the Indian Medical Council Act 1956 and also satisfies the conditions under the relevant provisions of the Sikkim Medical Registration Act 2005 and Sikkim Medical Registration Rules 2007, certificate of registration shall be issued by the Registrar.
(3) Intimation of Registration to the Medical Council of India:-
The Registrar shall intimate to the Medical Council of India after the 1st of April every year and as soon as a medical practitioner is fully registered with the Council. The Registrar shall also intimate to the Medical Council of India immediately regarding any change in name or registration of Additional Qualifications or address or removal of name, as envisaged under sub- section (1) of section 24, of the Medical Council Act 1956.
(4) Publication of supplements to Sikkim Medical Register:-
Supplements to the Sikkim Medical Register shall be published every year and the Sikkim Medical Register shall be revised and published every three years.
(5) For Permanent Registration the applicants shall submit the following documents to the Council alongwith the applications.
Original and Attested copy of:-
(a) Birth Certificate and School leaving Certificate containing date of birth.
(b) Certificate of passing Inter- Science/ Higher Secondary or Equivalent Examination.
(c) Memorandum of Marks of all subjects pursued during the course of study of M.B.B.S.
(d) Certificate of Medical Education indicating attempts for passing 1st ,2nd and final M.B.B.S. examination issued by the Head of the Institution.
(e) Internship completion Certificate issued by the Head of the Institution.

(f) Internship posting completion Certificate issued by the Head of Unit of each specialty.
(g) M.B.B.S. Degree Certificate.
(h) Previous Registration Certificate (in cases where the Medical Practitioner is already registered with another State/ MCI).
(i) Provisional Registration Certificate.

Provisional Registration

40. (1) The names of Medical students undergoing Internship Training at aTeaching Institution in the State shall be bourne in a separate register maintained for the purpose.

(2) For Provisional Registration the Head of the Institution shall supply the following documents after declaration of final M.B.B.S. results:-
(a) Attested copy of letter of permission from Govt. of India/MCI for intake of students in respect of the batch passing out.
(b) Attested copy of notification of final M.B.B.S. results by the Controller of Examinations of the University.
c) Detailed Certificate of course of study undertaken by the students, containing subject wise theory, practical, demonstrations and clinical classes and their duration in hours.
d) Attested copies of Internship allotment orders for all the students in the batch containing details of their postings in each specialty, duration of posting and the name of the Head of Units under whom the trainee is posted.

(3) Alongwith the application for Provisional Registration, the students shall submit the original and attested copies of the following documents:
(a) Birth Certificate and School leaving Certificate containing date of birth.
(b) Certificate of passing Inter-Science/ Higher Secondary or Equivalent Examination.
(c) Memorandum of Marks of all subjects pursued during the course of study of M.B.B.S.
(d) Certificate of Medical Education indicating attempts for passing 1st ,2nd and final M.B.B.S. examination issued by the Head of the Institution.
(e) M.B.B.S. Degree Certificate (Provisional)

Registration of Additional Qualifications

41. (1) Application for registration of additional qualifications in the Sikkim Medical Register may be received by the Registrar in addition to the entry previously made.

(2) For Registration of additional qualifications the applicants shall submit the following documents:-
(a) Attested copy of Permanent Registration Certificate
(b) Original and attested copy of Degree / Diploma Certificate.

CHAPTER –IX

DUTIES AND RESPONSIBILITIES OF MEDICAL PRACTITIONERS

Duties and Responsibilities of Medical Practitioners

42. (1) A Medical Practitioner shall uphold the dignity and honour of the profession and shall abide by all applicable rules and regulations of the State and the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations.

(2) At the time of initial registration the Medical Practitioner shall be required to sign and submit a declaration alongwith the application for registration.

Dr. S. D. Sharma
President,
Sikkim Medical Council.